

REMARKS

Upon entry of this Amendment, claims 1-53 are pending in this application. Claims 20, 21, 23, and 24 have been withdrawn from consideration. Claims 47-53 are added by this Amendment. The Examiner's indication that claims 22 and 41-46 contain allowable subject matter is gratefully acknowledged. Dependent claim 22 has been amended to depend directly from independent claim 19.

The Examiner has rejected claims 1-4, 6-7, 9-19, 25, 26, 28-33 and 35-37 under 35 U.S.C. 103(a) as being unpatentable over Miyamoto (US 4,694,810) in view of Sierk, et al. (US 4,454,783). Specifically, the Examiner states "Miyamoto teaches two parallel valves mounted in the same housing, one closing a fuel flow conduit. The valves are for a portable engine such as one which would be used on a lawnmower, generator or pressure washer. Single cylinder engines are the norm in the art, but a multi-cylinder engine would have been an obvious choice for a generator which might require more power output than a typical lawnmower. Finally, while it is implied that a mechanical means is used to rotate element (17) this is not specifically disclosed." The Examiner then continues, stating "Sierk teaches a purely mechanical linkage used to turn a valve that stops fuel flow to an engine. It would have been obvious to modify Miyamoto by using a purely mechanical actuator to close the valves because this would have been a mere mechanical expedient commonly used in the art for the same purpose."

The Applicants respectfully submit that the Examiner's combination of Miyamoto and Sierk, et al. is improper. To establish a prima facie case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. MPEP 2143. With regard to the teachings of Miyamoto, the Examiner states that "while it is implied

that a mechanical means is used to rotate element (17) this is not specifically disclosed.” This statement is simply not true.

Column 3, lines 35-50 of Miyamoto describes the operation of the fuel cock, stating “At the starting of the engine, the plugs 4 and 5 which are at the closed position as shown in FIGS. 2 and 3 are rotated to the open position shown in FIGS. 6 and 7 by turning the stem 17 by a knob (not shown). . . . When the engine is in non-operative state, the knob of the shaft 17 is turned the opposite direction as before so that the plug cock 1 is closed.” This language clearly contemplates opening and closing of the plug cock by hand, and not by some mechanical means as argued by the Examiner. There is therefore no suggestion or motivation to modify the express teachings in Miyamoto of a manually-operated fuel cock with the mechanical linkage described in Sierk, et al. In fact, the specific recitation of a knob, which is understood to be a feature provided to facilitate manual grasping and turning of something, would appear to teach away from the use of any mechanical means to operate the fuel cock.

Additionally, Sierk, et al., beginning at column 2, line 65, describes a linkage 30 that interconnects a control lever 19 with fuel control valves 22, 24 on the engine 20. Column 3, lines 57-68 describes how the control lever 19 is manipulated to increase engine speed, decrease engine speed, and/or terminate the flow of fuel during operation of the engine. The fuel cock of Miyamoto is not intended to be used for varying the flow of fuel to the operating engine for increasing and decreasing engine speed, or for terminating the flow of fuel to the engine to stop the engine. Rather, the Miyamoto fuel cock is closed and opened prior to starting the engine or subsequent to stopping the engine to respectively block or unblock the fuel supply and air venting from the fuel tank. Therefore, the linkage 30 of Sierk, et al., which is connected to the engine speed control lever 19 for controlling the flow of fuel to the engine during engine

operation, would not be connected to the fuel cock of Miyamoto, since the Miyamoto fuel cock is not used for varying the engine speed during engine operation or for terminating the flow of fuel to stop engine operation. In other words, even if the mechanical actuator of Sierk, et al. could be combined with Miyamoto to close the valve of the Miyamoto fuel cock (which the Applicants maintain is not the case), such a modification would not be made and is not taught or suggested by the combination of Miyamoto and Sierk, et al.

For these reasons, the Examiner's rejection based on the combination of Miyamoto and Sierk, et al. is improper. Therefore, independent claim 1 and its dependent claims 2-18, 38, 41, and 44, independent claim 19 and its dependent claims 22, 25-32, 39, 42, and 45, and independent claim 33 and its dependent claims 34-37, 40, 43, and 46.

Dependent claims 5, 34, 8, 27, and 38-40 are rejected under U.S.C. 103(a) as being unpatentable over Miyamoto and Sierk, et al. and further in view of additional references. The additional references do not cure the deficiencies described above and therefore dependent claims 5, 34, 8, 27, and 38-40 are allowable.

New claims 47-53 have been added to recite additional patentable subject matter. No new matter has been added.

Independent claim 47 recites a device comprising an internal combustion engine having an ignition circuit, an engine control device manually movable between an operating position, wherein the engine is permitted to operate, and a non-operating position, wherein the engine is prevented from operating, and an ignition grounding member operable to ground the ignition circuit in response to movement of the engine control device to the non-operating position, thereby preventing operation of the engine, and operable to permit operation of the engine when the engine control device is in the operating position. The device further includes a fuel tank that

provides fuel to the engine. The fuel tank includes a vent. A fuel shutoff valve is automatically and mechanically operable to substantially block the supply of fuel to the engine in response to movement of the engine control device to the non-operating position. Additionally, a fuel vent closure valve is automatically and mechanically operable to substantially close the vent in response to movement of the engine control device to the non-operating position. The fuel shutoff valve and the fuel vent closure valve are combined into a single housing.

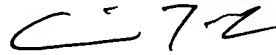
None of the cited references, taken alone or in combination, teaches or suggests the device of claim 47. Therefore claim 47 and dependent claims 48-53 are allowable.

Dependent claim 53 ultimately depends from claim 47 and further recites, among other things, that a linkage couples the bail lever to each of the fuel shutoff valve, the vent closure valve, the ignition grounding member, and the brake, such that movement of the bail lever to the non-operating position substantially simultaneously closes the fuel shutoff valve, closes the vent closure valve, grounds the ignition circuit, and engages the brake. None of the cited references, taken alone or in combination, teaches or suggests the device of claim 53. For this reason, dependent claim 53 contains additional patentable subject matter.

For all of these reasons, entry of the Amendment and allowance of claims 1-53 are respectfully requested.

The Examiner is invited to contact the undersigned at any time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C F Laska' with a stylized flourish at the end.

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